

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2008 Iowa Acts, chapter 1172, division II, section 14, the Department of Public Health hereby gives Notice of Intended Action to adopt new Chapter 194, "Nonpayment of State Debt," Iowa Administrative Code.

These proposed rules describe the action the Department needs to take upon receipt of a certificate of noncompliance from the centralized collection unit of the Department of Revenue. The rules specify the procedures for denial of issuance or renewal of a license or the suspension or revocation of a license issued by the Department.

Any interested person may make written comments or suggestions on the proposed rules on or before February 17, 2009. Such written comments should be directed to Barb Nervig, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4958 or by E-mail to bnervig@idph.state.ia.us.

These rules are intended to implement 2008 Iowa Acts, chapter 1172, division II.

The following amendment is proposed.

Adopt the following **new** 641—Chapter 194:

CHAPTER 194 NONPAYMENT OF STATE DEBT

641—194.1(272D) Definitions. For the purpose of this chapter, the following definitions shall apply.

"Act" means 2008 Iowa Acts, chapter 1172, division II.

"Applicant" means an individual who is seeking the issuance of a license.

"Centralized collection unit" means the centralized collection unit of the Iowa department of revenue.

"Certificate of noncompliance" means a document provided by the centralized collection unit of the department of revenue certifying that the named applicant or licensee has an outstanding liability placed with the unit and has not entered into an approved payment plan to pay the liability.

"Denial notice" means a licensing authority notification denying an application for the issuance or renewal of a license as required by the Act.

"Department" means the department of public health.

"License" means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to a person by a licensing authority which evidences the granting of authority to engage in a profession, occupation, or business.

"Licensing authority" means a board, commission, or any other entity of the department which has authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession.

"Revocation or suspension notice" means a licensing authority notification suspending a license for an indefinite or specified period of time or a notification revoking a license as required by the Act.

"Withdrawal certificate" means a document provided by the centralized collection unit certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of a license.

641—194.2(272D) Issuance or renewal of a license—denial. The licensing authority shall deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the centralized collection unit. This rule shall apply in addition to the procedures set forth in the Act.

194.2(1) *Service of denial notice.* Notice shall be served upon the applicant or licensee by certified mail, return receipt requested; by personal service; or through authorized counsel.

194.2(2) *Effective date of denial.* The effective date of the denial of the issuance or renewal of a license, as specified in the denial notice, shall be 60 days following service of the denial notice upon the applicant or licensee.

194.2(3) *Preparation and service of denial notice.* The licensing authority is authorized to prepare and serve the denial notice upon the applicant or licensee.

194.2(4) *Licensees and applicants responsible to inform licensing authority.* Licensees and applicants shall keep the licensing authority informed of all court actions and all centralized collection unit actions taken under or in connection with the Act. Licensees and applicants shall also provide the licensing authority copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to the Act, all court orders entered in such actions, and any withdrawals of certificates issued by the centralized collection unit.

194.2(5) *Reinstatement following license denial.* All licensing authority fees required for application, license renewal, or license reinstatement must be paid by applicants or licensees before a license will be issued, renewed, or reinstated after the licensing authority has denied the issuance or renewal of a license pursuant to the Act.

194.2(6) *Effect of filing in district court.* In the event an applicant or a licensee files a timely district court action following service of a denial notice by a licensing authority, the licensing authority shall continue with the intended action described in the denial notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

194.2(7) *Final notification.* The licensing authority shall notify the applicant or licensee in writing through regular first-class mail, or by such other means as the licensing authority determines appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license, and shall similarly notify the applicant or licensee if the license is issued or renewed following the licensing authority's receipt of a withdrawal certificate.

641—194.3(272D) Suspension or revocation of a license. The licensing authority shall suspend or revoke a license upon the receipt of a certificate of noncompliance from the centralized collection unit in accordance with the procedures set forth in the Act. This rule shall apply in addition to the procedures set forth in the Act.

194.3(1) *Service of revocation or suspension notice.* A revocation or suspension notice shall be served upon the licensee by certified mail, return receipt requested; by personal service; or through authorized counsel.

194.3(2) *Effective date of revocation or suspension.* The effective date of the suspension or revocation of a license, as specified in the revocation or suspension notice, shall be 60 days following service of the notice upon the licensee.

194.3(3) *Preparation and service of revocation or suspension notice.* The licensing authority is authorized to prepare and serve the revocation or suspension notice upon the licensee and is directed to notify the licensee that the license will be suspended, unless the license is already suspended on other grounds. In the event that the license is on suspension, the licensing authority shall notify the licensee of the licensing authority's intention to revoke the license.

194.3(4) *Licensee responsible to inform licensing authority.* The licensee shall keep the licensing authority informed of all court actions and all centralized collection unit actions taken under or in connection with the Act. Licensees shall also provide the licensing authority copies, within seven days

of filing or issuance, of all applications filed with the district court pursuant to the Act, all court orders entered in such actions, and any withdrawal certificates issued by the centralized collection unit.

194.3(5) *Reinstatement following license suspension or revocation.* A licensee shall pay all licensing authority fees required for license renewal or license reinstatement before a license will be reinstated after the licensing authority has suspended or revoked a license pursuant to the Act.

194.3(6) *Effect of filing in district court.* In the event a licensee files a timely district court action pursuant to the Act, and following service of a revocation or suspension notice, the licensing authority shall continue with the intended action described in the revocation or suspension notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the license suspension or revocation, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

194.3(7) *Final notification.* The licensing authority shall notify the licensee in writing through regular first-class mail, or by such other means as the licensing authority determines appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license, and shall similarly notify the licensee if the license is reinstated following the licensing authority's receipt of a withdrawal certificate.

641—194.4(272D) Sharing of information. Notwithstanding any statutory confidentiality provision, the department or licensing authority may share information with the centralized collection unit of the department of revenue through automated means for the sole purpose of identifying applicants or licensees subject to enforcement pursuant to 2008 Iowa Acts, chapter 1172, division II.

These rules are intended to implement 2008 Iowa Acts, chapter 1172, division II.